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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,238	09/19/2005	Nae Hyuck Chang	51876P723	1833
8791 7590 06/23/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER SIM, YONG H				
ART UNIT 2629		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,238

Applicant(s)

CHANG ET AL.

Examiner

YONG SIM

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 15 - 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 15 – 22 are rejected under 35 U.S.C. 103(a) as being anticipated by Cui (US 2003/0001815 A1) in view of Eckel et al. (Hereinafter “Eckel” US 2003/0065472 A1).**

Re claim 15, Cui teaches a visual data adaptation method comprising: adapting visual data in response to received display capability information of a display device in a particular user terminal and a usage environment of the particular user terminal (Para 0037; "If a color segment brightness level exceeds or falls below the respective segment threshold/display capability by a certain amount, this information is relayed to a software program, which determines whether the display image brightness or backlight brightness should be adjusted." The display capability information is the information used to maintain a pre-determined display image quality. The particular user terminal is where the display device as shown in Fig. 1. Para 0038; "an ambient light sensor is used to determined the brightness of ambient light surrounding a display monitor, in which the display image will be display. The image may then be adjusted to account for ambient light brightness."); and outputting the adapted visual data to the particular user terminal, wherein the display capability information is hierarchically structured to include backlight luminance information as a sub-element of the display capability information (Para 0037; "when a color brightness level exceeds or falls below a threshold by an amount, an interrupt is generated causing a software program to either program the graphics gamma unit to adjust the display image brightness or enable the PWM to adjust the display backlight brightness in order to maintain a pre-determined display image quality." In order to maintain the pre-determined display image quality, which is the display capability, the software program must contain both the display image brightness and the backlight brightness information as sub-elements to dynamically adjust the image brightness.), and the backlight luminance information is described as a

numerical value ranging from a lowest possible value to a highest possible value that is adjusted according to the usage environment of the particular user terminal (Para 0037; "if a target display image quality can be achieved by adjusting the backlight brightness while maintaining a target display device power target, then the PWM will be programmed accordingly. Otherwise, the target display image quality will be achieved by adjusting the display image brightness." The adjustment of the backlight brightness is conducted by a program wherein the backlight brightness is described digitally in numerical values. The range of the backlight brightness information is determined by the target display image quality described above. In other words, if the highest possible value of the backlight is not sufficient, the software program will relay the information to adjust the image data.).

But does not expressly teach wherein the adapted visual data is outputted to a separate user terminal.

However, Eckel teaches a multifunction sensor device that provides various transducer functions, wherein the device forms part of the network control system wherein the system is able to communicate to devices within the system to provide intrasystem control and monitoring as well as to communicate outside the system to provide intersystem control and monitoring and the devices can be calibrated externally in an automatic self adjusting way or via a communication link over the network (Eckel: Para 0020, 0049 and 0054).

Therefore, taking the combined teachings of Cui and Eckel, as a whole, it would have been obvious to a person having ordinary skill in the art to incorporate the idea of

controlling a user terminal from a separate remote terminal as taught by Eckel into the visual data adaptation method of Cui to obtain the method of adapting visual data in response to received display capability information of a display device in a separate user terminal and a usage environment of the separate user terminal and outputting the adapted visual data to the separate user terminal from a remote location over the network to allow remote control of display setting to provide optimum setting for the user environment.

Re claim 16, Cui teaches wherein the visual data is RGB data of pixels (Para 0035; "The graphics gamma unit effects the brightness of an image to be displayed on a display monitor by scaling each sub-pixel color." The sub-pixel color data are RGB data.).

Re claim 17, Cui teaches wherein the adaptation is to control pixel value of the visual data according to the backlight luminance information by shifting an RGB value (Para 0035; "The graphics gamma unit effects the brightness of an image to be displayed on a display monitor by scaling each sub-pixel color." Scaling the sub-pixel color value is equivalent to shifting and RGB value.).

Re claim 18, the combined teachings of Cui and Eckel teaches the visual data adaptation method as recited in claim 15, wherein the backlight luminance information is adjusted according to the adjusted visual data transmitted from the separate user

terminal (Para 0037; "other decision algorithms may be used to determine whether a display image brightness should be changed or backlight brightness should be modified in order to achieve or maintain an image quality while achieving or maintaining a power-consumption target." The adjustment of the backlight brightness is conducted by a program according to the adjusted visual data. After adjusting the visual data, further adjustment is necessary to maintain the image quality, the backlight brightness will be adjusted. The software will dynamically adjust both the visual data and the backlight brightness as the threshold of the image quality necessitates them.).

Re claim 19, Cui teaches a visual data adaptation apparatus comprising: an adaptation means for adapting visual data in response to received display capability information of a display device in a particular user terminal and a usage environment of the particular user terminal (Para 0037; "If a color segment brightness level exceeds or falls below the respective segment threshold/display capability by a certain amount, this information is relayed to a software program, which determines whether the display image brightness or backlight brightness should be adjusted." The display capability information is the information used to maintain a pre-determined display image quality. The user terminal is where the display device as shown in Fig. 1. The adaptation means is the system as shown in Fig. 1. Para 0038; "an ambient light sensor is used to determine the brightness of ambient light surrounding a display monitor, in which the display image will be displayed. The image may then be adjusted to account for ambient light brightness."); and an outputting means for outputting the adapted visual data to the

particular user terminal, wherein the display capability information is hierarchically structured to include backlight luminance information as a sub-element of the display capability information (Para 0037; "when a color brightness level exceeds or falls below a threshold by an amount, an interrupt is generated causing a software program to either program the graphics gamma unit to adjust the display image brightness or enable the PWM to adjust the display backlight brightness in order to maintain a pre-determined display image quality." In order to maintain the pre-determined display image quality, which is the display capability, the software program must contain both the display image brightness and the backlight brightness information as sub-elements to dynamically adjust the image brightness.), and the backlight luminance information is described as a numerical value ranging from the lowest possible value to the highest possible value that is adjusted according to the usage environment of the particular user terminal (Para 0037; "if a target display image quality can be achieved by adjusting the backlight brightness while maintaining a target display device power target, then the PWM will be programmed accordingly. Otherwise, the target display image quality will be achieved by adjusting the display image brightness." The adjustment of the backlight brightness is conducted by a program wherein the backlight brightness is described digitally in numerical values. The range of the backlight brightness information is determined by the target display image quality described above. In other words, if the highest possible value of the backlight is not sufficient, the software program will relay the information to adjust the image data.).

But does not expressly teach wherein the adapted visual data is outputted to a separate user terminal.

However, Eckel teaches a multifunction sensor device that provides various transducer functions, wherein the device forms part of the network control system wherein the system is able to communicate to devices within the system to provide intrasystem control and monitoring as well as to communicate outside the system to provide intersystem control and monitoring and the devices can be calibrated externally in an automatic self adjusting way or via a communication link over the network (Eckel: Para 0020, 0049 and 0054).

Therefore, taking the combined teachings of Cui and Eckel, as a whole, it would have been obvious to a person having ordinary skill in the art to incorporate the idea of controlling a user terminal from a separate remote terminal as taught by Eckel into the visual data adaptation apparatus of Cui to obtain a visual data adaptation apparatus wherein the apparatus adapts visual data in response to received display capability information of a display device in a separate user terminal and a usage environment of the separate user terminal and outputting the adapted visual data to the separate user terminal from a remote location over the network to allow remote control of display setting to provide optimum setting for the user environment.

The limitations of claim 20 are substantially similar to the limitations of claim 16. Therefore, it has been analyzed and rejected substantially similar to claim 16.

The limitations of claim 21 are substantially similar to the limitations of claim 17.
Therefore, it has been analyzed and rejected substantially similar to claim 17.

The limitations of claim 22 are substantially similar to the limitations of claim 18.
Therefore, it has been analyzed and rejected substantially similar to claim 18.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 23 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cui in view of Eckel, as applied to claims 15 - 22 above, and further in view of MacPhail (US 6,593,943 B1).**

Re claim 23, Cui teaches a computer readable storage medium in which data is recorded, the data comprising: display capability information of a display device in a user terminal (Para 0037; "If a color segment brightness level exceeds or falls below the respective segment threshold/display capability by a certain amount, this information/data is relayed to a software program, which determines whether the display image brightness or backlight brightness should be adjusted." The display capability information is the information used to maintain a pre-determined display image quality. The user terminal is where the display device as shown in Fig. 1. The adaptation means is the system as shown in Fig. 1. The data must be stored in a memory which is processor/computer readable storage medium.), wherein visual data is adapted by a video adaptation apparatus (The adaptation apparatus is a part of the system which uses a software to adjust visual data as shown in Fig. 1.) that is particular from the user terminal (As can be seen in Fig. 1, the system and the display device in a user terminal are particular to each other.) according to the display capability information and a usage environment of the particular user terminal (Para 0038; "an ambient light sensor is used to determined the brightness of ambient light surrounding a display monitor, in which the display image will be display. The image may then be adjusted to account for ambient light brightness.") the display capability information is hierarchically structured to include backlight luminance information as a sub-element of the display capability information (Para 0037; "when a color brightness level exceeds or falls below a threshold by an amount, an interrupt is generated causing a software program to either program the graphics gamma unit to adjust the display image brightness or enable the PWM to

adjust the display backlight brightness in order to maintain a pre-determined display image quality." In order to maintain the pre-determined display image quality, which is the display capability, the software program must contain both the display image brightness and the backlight brightness information as sub-elements to dynamically adjust the image brightness.), and the backlight luminance information is described as a numerical value ranging from the lowest possible value to the highest possible value that is adjusted according to the usage environment of the particular user terminal (Para 0037; "if a target display image quality can be achieved by adjusting the backlight brightness while maintaining a target display device power target, then the PWM will be programmed accordingly. Otherwise, the target display image quality will be achieved by adjusting the display image brightness." The adjustment of the backlight brightness is conducted by a program wherein the backlight brightness is described digitally in numerical values. The range of the backlight brightness information is determined by the target display image quality described above. In other words, if the highest possible value of the backlight is not sufficient, the software program will relay the information to adjust the image data.).

But does not expressly teach wherein the adapted visual data is outputted to a separate user terminal.

However, Eckel teaches a multifunction sensor device that provides various transducer functions, wherein the device forms part of the network control system wherein the system is able to communicate to devices within the system to provide intrasystem control and monitoring as well as to communicate outside the system to

provide intersystem control and monitoring and the devices can be calibrated externally in an automatic self adjusting way or via a communication link over the network (Eckel: Para 0020, 0049 and 0054).

Therefore, taking the combined teachings of Cui and Eckel, as a whole, it would have been obvious to a person having ordinary skill in the art to incorporate the idea of controlling a user terminal from a separate remote terminal as taught by Eckel into the computer readable storage medium comprising display capability information of display device in a user terminal of Cui to obtain a computer readable storage medium comprising a visual data adaptation apparatus wherein the apparatus adapts visual data in response to received display capability information of a display device in a separate user terminal and a usage environment of the separate user terminal and outputting the adapted visual data to the separate user terminal from a remote location over the network to allow remote control of display setting to provide optimum setting for the user environment.

But does not expressly disclose said metadata.

However, MacPhail teaches a method for displaying computer-based information including detecting an instruction to display an information unit based on the data and or metadata stored in storage medium (MacPhail: Col. 10, line 63 – Col 11 line 34).

Therefore, taking the combined teachings of Cui, Eckel and MacPhail, as a whole, it would have been obvious to a person having ordinary skill in the art to incorporate the idea of displaying information based on metadata as taught by MacPhail into the computer readable storage medium as taught by Cui and Eckel to obtain a

computer readable storage medium in which metadata is recorded wherein the metadata comprises display capability information of a display device to adapt visual data according to the display capability information in an efficient was since the metadata can travel along with other data such as video data.

The limitations of claim 24 are substantially similar to the limitations of claim 16. Therefore, it has been analyzed and rejected substantially similar to claim 16.

The limitations of claim 25 are substantially similar to the limitations of claim 17. Therefore, it has been analyzed and rejected substantially similar to claim 17.

The limitations of claim 26 are substantially similar to the limitations of claim 18. Therefore, it has been analyzed and rejected substantially similar to claim 18.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONG SIM whose telephone number is (571)270-1189. The examiner can normally be reached on Monday - Friday (Alternate Fridays off) 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YONG SIM/

Application/Control Number: 10/511,238

Page 15

Art Unit: 2629

Examiner, Art Unit 2629

/Amr Awad/

Supervisory Patent Examiner, Art Unit 2629

6/19/2009